

FLEOA TESTIMONY

Chairman Porter, Ranking Member Davis and other members of the Subcommittee, I want to thank you for the opportunity to appear before you today, to testify about the need for Federal Law Enforcement to utilize a invaluable resource commonly referred to as a “Rehired Annuitant”.

My name is Duncan Templeton and I am currently the National Legislative Vice President of the Federal Law Enforcement Officers Association (otherwise known as FLEOA). I am here today on behalf of Art Gordon, FLEOA’s National President. FLEOA is the largest non-partisan professional association, exclusively representing Federal law enforcement officers.

I am here today representing over 25,000 Federal agents from over 50 different agencies. Some of our members are Rehired Annuitants who are currently employed by the Transportation Security Administration and the Federal Air Marshal Service.

All FLEOA National Officers like me are full-time Federal law enforcement officers who conduct FLEOA business on their own time. I am a criminal investigator with the US Department of Justice, but I am here today on annual leave, representing the members of FLEOA.

Ever since the tragic events of September 11, 2001, it is obvious that Rehired Annuitants have and continue to play a critical role within Federal law enforcement.

Both the Transportation Security Administration (TSA) and the Federal Air Marshal Service (FAMS) utilized many experienced Federal law enforcement personnel (rehired annuitants) to initially set up and operate these two new and important Federal agencies.

Many “rehired annuitants” currently occupy critical management positions within both TSA and the FAMS. These positions include Federal Security Directors and Assistant Federal Security Directors for Law Enforcement within TSA, as well as most mid-level, upper level and executive-level management positions within the FAMS.

Since both TSA and the FAMS have only existed for four years, the loss of these key management personnel (rehired annuitants) within these agencies and the lack of experienced personnel to fill this void, will have a devastating effect on public safety.

OPM encourages agencies to utilize “rehired annuitants” and Congress recently passed legislation to enable the Defense Department to take advantage of this unique personnel practice, since most other departments were already utilizing this valuable resource. This personnel practice actually saves the agencies money, since they don’t have to pay any fringe benefits to rehired annuitants (saves about 40% or \$40,000) per employee and bridges the knowledge and skills gap between newer employees and highly experienced employees.

FLEOA recently urged Secretary Chertoff to act now and authorize a two-year extension for all “rehired annuitants” within TSA and the FAMS to avert major problems resulting from the potential loss of over one hundred Rehired Annuitants within these two agencies.

This is just one example of how effective it was and continues to be to utilize Rehired Annuitants within Federal law enforcement agencies.

Some Department of Justice agencies have sporadically utilized Rehired Annuitants to fill the void within critical areas of their agencies also.

Most Federal law enforcement officers retire at age 50 with over 20 years of dedicated Federal law enforcement service and are not allowed to return to the Federal workforce unless they receive a dual-compensation waiver for a specified period of time, usually no more than three years. These federal agents have received thousands of hours of training during their careers and honed their investigative skills over many years while conducting complex investigations.

These talented individuals then take their skills and expertise with them, and move on to the private sector in high paying positions within homeland security, crisis management, forensic investigations, private security or with state or local law enforcement agencies. This is necessary because they are prohibited from starting a second career with the Federal government.

However, it should be noted that there is one exception to this rule of dual compensation and rehired annuitants. Over the past twenty years hundreds of US Secret Service Agents have retired from Federal law enforcement service and retired under the Washington Metropolitan Police retirement system and therefore they are allowed to start a second federal law enforcement career with another federal agency. They are not required to get a dual-compensation waiver. There are hundreds of retired Secret Service agents currently employed by TSA, the FAMS, DOD, DOJ and many of the Inspector General offices.

FLEOA would like to see the same benefits reaped by retired Secret Service agents extended to all Federal law enforcement retirees.

Currently the law regarding waivers appears to be implemented differently by agency and by position for different periods of time. There does not appear to be any uniformity.

The need within the entire Federal law enforcement community for Rehired Annuitants is great and needs to be more widely utilized if we plan to continue to beef up Homeland Security agencies and develop a higher level of intelligence gathering that relates to potential terrorist acts or groups wishing to harm our great nation.

The skills of experienced criminal investigators and intelligence analysts take many years to fully develop and can not simply be taught in a classroom environment. These assets can not continue to be ignored.

Dual-compensation waivers for Rehired Annuitants should become the norm within federal law enforcement, until each agency is satisfied that they have adequate highly skilled and trained personnel to adequately perform their mission. This becomes even more critically important when you get into the management ranks of the Federal law enforcement agencies. Inexperienced leaders within Federal law enforcement can result in disastrous consequences for the safety and security of our nation.

Competent law enforcement leaders are bred over a period of many years as they move of through the ranks of their respective agencies. With newly created agencies like TSA and the FAMS, this is not possible so the use of Rehired Annuitants is a necessity.

The waivers should be based on the demonstrated skills of the individual law enforcement retiree and the needs of the agency. Time limits should not be set for the waivers, however uniform policies need to be established. FLEOA has also proposed a Federal Law Enforcement Reserve Force to be utilized in times of extreme emergency to supplemental Federal law enforcement resources. This proposal has previously been submitted by FLEOA to Congress and the Administration but has never been implemented. This is feasible, since the Law Enforcement Officers Safety Act of 2004 authorizes retired Federal law enforcement officers to carry firearms anywhere in the country as long as they qualify with the firearm annually.

FLEOA President Gordon has asked that I attach a copy of his letter to DHS Secretary Chertoff, dated February 12, 2006, regarding the issue of Rehired Annuitants within the Department of Homeland Security. To date, no action has been taken by DHS on this request.

In addition, FLEOA President Gordon has also asked that I provide this committee with a copy of FLEOA's proposal for a US Homeland Security Reserve Force.

Thank you for allowing me to testify today on this important issue.

Attachments: FLEOA Letter to DHS Secretary Chertoff dated 02/12/ 2006
FLEOA Proposal for DHS Law Enforcement Reserve Force